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August 14, 2014

VIA ECF

Honorable Paul A. Crotty
 United States District Court Judge
 Southern District of New York
 Daniel Patrick Moynihan
 United States Courthouse
 500 Pearl St.
 New York, NY 10007-1312

Re: *Wioleta Gable v. SA Midtown LLC, et al.*
Case No: 13-CV-5928

Dear Judge Crotty:

We are counsel to Defendants in the above referenced matter. We write further to the Court's Order dated August 5, 2014 (DKT 38) requiring the filing of an Amended Complaint in this matter by August 11, 2014 and submission of an Amended Civil Case Management Plan by today. Because Plaintiffs' counsel did not file such a Complaint on August 11, 2014, and only did so today without leave of Court (to our knowledge), an extension of the deadline to submit a new Case Management Plan is necessary.

Plaintiffs' counsel contacted the undersigned on August 12, 2014 to request permission to file the Complaint on August 12, 2014, notwithstanding passage of the August 11, 2014 deadline to file same. As the operative deadline had passed, Defendants indicated that they did not consent to extension of the already-passed August 11, 2014 deadline, but did not object to the filing of a new Complaint on August 12, 2014. Defendants took no position as to the filing of a new Complaint on a date after August 12, 2014, and were not asked to do so.

As Plaintiffs did not file their Amended Complaint until this evening (DKT 39), Defendants could not review same and participate in the preparation of a new Case Management Plan as contemplated by the Court's August 5 Order. Defendants beg the Court's indulgence and will attempt to work with Plaintiffs' counsel to submit such a Plan as soon as practicable ahead of the September 22, 2014 conference. Defendants expressly reserve all rights with respect to Plaintiffs' untimely filing.



Honorable Paul A. Crotty

August 14, 2014

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Respectfully submitted,

JACKSON LEWIS P.C.

A handwritten signature in black ink, reading "Richard Greenberg" with a stylized flourish at the end.

Richard I. Greenberg

NPT:dc

cc: Robert Wisniewski, Esq. (via ECF)
Noel P. Tripp, Esq. (internal)